REMARKS

In the Office Action, claims 1, 8 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by Tasker et al. (GB Pub. No. 2368574). Claims 1-4, 6 and 8-11 were rejected under 35 U.S.C. §102(b) as being anticipated by Ichihara et al. (JP Pub. No. 05-116865). Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ichihara et al. in view of Tasker et al. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ichihara et al. in view of Rickaby (Intl. Pub. No. WO 2004/000712).

Applicant would like to thank Examiner Brahan for the consideration given applicant's attorney at the interview of November 12, 2009. At the interview, agreement was reached with respect to the claims that they are distinguished over the prior art of record. It was further agreed that, in the absence of more relevant prior art, the captioned application should be in condition for allowance.

The present invention concerns a stairlift that provides for "en-route swiveling", i.e. the platform is swiveled (rotated around the vertical axis) on its way along the stairs, to gain room, rather than swiveling just at the ends of the stairs, where the stairlift is conventionally swiveled to face the floors at the ends of the stairs.

Tasker

Tasker shows a stairlift with a platform that can be moved along a track and can be rotated (swiveled) at the ends of the stairs (page 5, paragraph starting with "Figure 1"). Tasker teaches that swiveling should be controlled by the user with a toggle switch that also controls motion along the track (page 6, last paragraph starting with "The toggle switch"). Tasker does not show swiveling other than at the ends of the stairs, as described at two lines before the end of page 6 of Tasker, where swiveling together with movement along the track is said to be clearly undesirable. Tasker prevents this by control means that ensure that the toggle switch affects either motion along the track or swiveling, but not both together (paragraph bridging pages 6 and 7). The control means control this dependent on the position of the carriage and the angular position of the seat. Therefore, Tasker does not teach automatic control of swiveling.

Ichihara

Ichihara shows a stairlift with a platform that rotates along with a bend in the rail. In contrast, the claimed stairlift of the present invention has a drive that rotates the platform relative to the rail (not just remaining at a fixed angle to the rail).

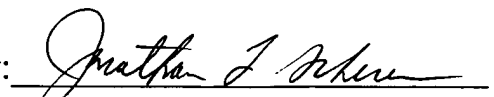
Although an indication was made in the Office Action of November 10, 2008 that the Form PTO-1449 filed in the Information Disclosure Statement of November 27, 2006 was being returned, this was not done. Accordingly, it is requested that an initialed Form PTO-1449 be forwarded with the next Action.

Based on the foregoing amendments and remarks, it is respectfully submitted that the present application should now be in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: 

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